



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,022	12/28/1999	HIROSHI UENO	046982/0112	9495

7590 03/25/2004

FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET NW SUITE 500
P O BOX 25696
WASHINGTON, DC 200078696

EXAMINER

JAIN, RAJ K

ART UNIT	PAPER NUMBER
2664	7

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/473,022

Applicant(s)

UENO, HIROSHI

Examiner

Raj Jain

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because Fig 1 illustrates line 122 between UPC and Multiplexing Part, however, the specs indicate 112. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Katoh et al.

Regarding claims 1 and 9, Katoh discloses an ATM (Asynchronous Transfer Mode) (see **Figs 1 & 2**) multiplexing apparatus for being, connected to an ATM switching unit (see **Fig 6**) and each of plural subscribers through ATM communication lines and performing multiplexing processing to ATM cells sent from the plural subscribers, the ATM multiplexing apparatus comprising:

-detection means for detecting a congestion state corresponding to received ATM cells from the subscribers and outputting a warning signal of a level value according to the congestion state (see **Fig 2 UPC and NPC, col 6 lines 17-45 and col 17 line 26**); and

Art Unit: 2664

-discard means for selectively discarding the received ATM cells from the subscribers on the basis of a communication state determined by received ATM cells from the ATM switching unit and the received ATM cells from the subscribers and the level value of the congestion state indicated by the warning signal from the detection means (see col 6 lines 3-17, claims 7 and 8).

Regarding claim 2, Katoh discloses where communication state is updated on the basis of header information and its received notification included in the received ATM cells from the ATM switching unit or header information and its received notification included in the received ATM cells from the subscribers (see col 9 line 57-col10 line 2 and col 16 lines 14-25).

Regarding claim 3, Katoh discloses the detection means comprises storage means for storing the received ATM cells from the subscribers, and comparison means for generating the warning signal on the basis of the degree of occupancy in the storage means of the stored ATM cells and the preset threshold (see Figs 24-26 and col 16 line 57-col 17 line 24).

Regarding claims 4 & 5, Katoh discloses a discard means comprises: switching unit monitor means for receiving the ATM cells from the ATM switching unit and outputting header information and received notification of the received ATM cells from the ATM switching unit as first header information and first received notification (see Figs 6-16);

subscriber monitor/selection means for receiving the ATM cells from the subscribers and outputting header information and received notification of the received ATM cells from the subscribers as second header information and second received notification and selectively discarding the received ATM cells from the subscribers on the basis of a discard command; and

discard control means for updating status data indicating the communication state on the basis of the first header information and the first received notification or the second header

Art Unit: 2664

information and the second received notification and generating the discard command for commanding discard of the received ATM cells from the subscribers on the basis of the updated status data and the level value of the warning signal (**see UPC/NPC monitor mode and control mode of Figs 6-16 and specs**).

Regarding claim 6, Katoh discloses an ATM multiplexing apparatus with the updated status data is generated on the basis of criteria of the preset state transition (see Fig 22 and respective portion of specs).

Regarding claim 7, Katoh discloses an ATM multiplexing wherein the discard command is generated on the basis of criteria of the preset logic decision (see abstract and general specs for threshold criteria).

Regarding claim 8, Katoh discloses 8 an ATM multiplexing which includes; connection data providing a two-way connection state established by the received ATM cells from the ATM switching unit and the received ATM cells from the subscribers (see Figs 11-13 and col 16 lines 14-24), position data providing a position of the received ATM cells from the subscribers in a packet signal corresponding to an ATM adaptation layer (AAL)⁵ (see Fig 22 and col 16 lines 24-43), discard data providing whether cell discard processing corresponding to the packet signal is performed or not when the ATM cells from the subscribers constitute the packet signal (see abstract and col 4 lines 7-36 and col 6), and an AAL data indicating whether the received ATM cells from the ATM switching unit and the subscribers constitute the packet signal or not.

Conclusion

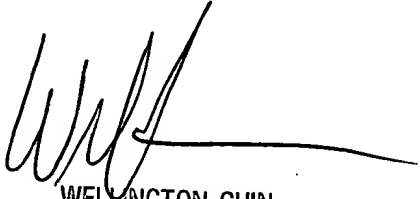
Art Unit: 2664

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 703-305-5652. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4336. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ
March 11, 2004



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600